

# **EXHIBIT N**

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January 9, 2001

Lynne M. Durbin, Esq.  
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7500 Grace Drive  
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**FILE COPY**

RE: Lester F. Kirkland, Jr. vs. Norfolk Southern Railway Company  
State Court of Bibb County, C/A No. 45273

Dear Ms. Durbin:

I have not heard from you since my last correspondence of July 11, 2000, and I am writing to update you on the status of this matter.

There is a calendar call in the State Court of Bibb County on Friday of this week and, we will know then whether this case will be tried beginning Monday, January 22, 2001, or whether it will be specially set for a trial week in February. I will notify you as soon as we have a firm trial setting.

I am enclosing herewith for your information copies of reports from Fred Johnson, Plaintiff's economist, of October 23, 2000 and November 3, 2000.

I realize that you have declined to accept responsibility for the defense and handling of this lawsuit, however, I am writing once again to request that you and your staff revisit this matter and participate with the railroad in trying to resolve this case prior to trial. For the reasons outlined in all of my earlier correspondence, we firmly believe that the indemnity agreement from Grace & Company to the railroad applies to the facts of this case. We look forward to hearing from you in this regard.

Please advise if we can supply any additional information with reference to this matter.

Sincerely,

Hall, Bloch, Garland & Meyer

By:

Benjamin M. Garland

BMG/sj  
Enclosures